

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEITH JUDD,

OPINION and ORDER

Petitioner,

13-cv-165-bbc

v.

BARACK OBAMA,
SECRETARY OF STATE OF WISCONSIN and
DEMOCRATIC PARTY OF WISCONSIN,

Respondent.

Plaintiff Keith Judd, a prisoner at the Federal Correctional Institution in Texarkana, Texas, has filed a proposed complaint in which he states that President Barack Obama is not qualified to be president because he was born a citizen of Kenya, and that plaintiff should replace him. (Plaintiff is ambiguous about whether he should replace Obama as president or as the Democratic Party nominee. I note that by the time plaintiff filed this complaint, the president had already started his second term.)

Plaintiff may not proceed with this case for two reasons. First, it was well-established in plaintiff's previous litigation that he has incurred three "strikes" under the 28 U.S.C. § 1915(g), which means that he is barred from proceeding in this action without prepayment of the entire \$350 filing fee for this case. See e.g., Judd v. Federal Election Commission, 311 F. App'x 730, 731 (5th Cir. 2009); Judd v. University of New Mexico, 204 F.3d 1041, 1044 (10th Cir. 2000); Judd v. Furgeson, Civ. No. 01-4217(JBS), 2012 WL

5451273, *1 (D.N.J. Nov. 5, 2012); Judd v. Secretary of State, No. 3:11cv879 (MRK), 2011 WL 7628681, *1 (D.Conn. Dec. 19, 2011).

Normally, I would give plaintiff a short deadline to pay the filing fee. However, there is no need to do so in this case because plaintiff's claim is frivolous. I understand plaintiff to be arguing that despite President Obama's birth certificate indicating that he was born in Hawaii, he is a Kenyan citizen because his father was a Kenyan citizen. That is not how United States citizenship works. Under the Fourteenth Amendment to the United States Constitution, all persons born in the United States are citizens of this country. Accordingly, plaintiff's claim is frivolous and I will dismiss the case.

ORDER

IT IS ORDERED that

1. This case is DISMISSED as frivolous. The clerk of court is directed to enter judgment in favor of defendants and close the case.
2. Plaintiff is obligated to pay the \$350 filing fee for this case in monthly payments as described in 28 U.S.C. § 1915(b)(2). This court will notify the warden at his institution of that institution's obligation to deduct payments until the filing fee has been paid in full.

Entered this 15th day of April, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge